



134-11 Kew Gardens Rd. 2<sup>nd</sup> Fl Richmond Hill NY 11418 Tel. (718) 805-2252 Fax. (718) 785-0086

From: Eliezer Vogel  
Tel. (718) 288-9546  
Fax (347) 214-4515  
E-Mail: [evogel@worldwideinstitute.net](mailto:evogel@worldwideinstitute.net)  
Entity: 16040367

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

**Subject: Appeal of USAC Funding Decision - Docket 02-6**

**Request For A Waiver**

**Request For Review**

We are appealing the SLD decision to deny funding for FRNs 2484095, 2484096, 2484097 and 2484098 of 471 Application # 911791, of funding year of 2013.

In the FCDL dated 1/8/2014 it give the reason for denying this application is because "the entities requesting service within this FRN BABOVE JIQ (16040367) are Head Start entities not eligible to receive funding because the facility provides service to children below the state's minimum recognized age for Head"

We initially appealed this directly with USAC. During that appeal process we were requested by USAC to provide documentation that supports that BABOVE JIQ is a Head Start center, at which we forward to the reviewer an email from the NYS ACS that confirms that BABOVE JIQ is an eligible head start center.

After not hearing back from USAC the results of our appeal we called the USAC help center who advised us that a decision letter was sent to us back March 11, 2014 in which our appeal was denied.

We never got that letter. We have had numerous instances that USAC mailed was not delivered to us. We are including correspondence from USAC , that we were later notified that it was "undeliverable"

Thank You.

A handwritten signature in black ink, appearing to read 'Eliezer Vogel', is written over a light blue grid background.

Eliezer Vogel  
Director

Hi

Following is our response to your questions>

*Issue*

Based on the review of your Funding Year **2013**FCC Form 471 application **911791**, we have determined that the entity listed below that are included in your request for services appear to be Head Start facility (ies).

In your state, Head Start services can be eligible for Head Start student populations, if the following conditions are met:

- The entity is part of a public school district, OR
- The entity is a stand-alone Head Start facility recognized by the state

For further information regarding Head Start facilities, please refer to the USAC website at: <http://www.usac.org/sl/applicants/beforeyoubegin/non-traditional/default.aspx>.

Listed below are the ineligible Head Start facility(ies):

Entity
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BABOVE JIQ - 16040367
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*Questions*

To assist us in the review of your application, we need the following information:

1. Provide third party documentation (i.e., documentation from your State Department of Education) demonstrating that the entities above meet Head Start requirements for your state. Please see the forwarded e-mail from Jose Mercado From New York State ACS.

2. Does the facility(ies) listed above include Head Start students? **Yes**

a. If **Yes**, is the Head Start facility(ies) a separate facility(ies), or part of an elementary or secondary school? **Seperate**

3. Please provide the Head Start enrollment (student count) that is included in Block 4 of this FCC Form 471 for each facility mentioned above.

a. Does the enrollment count include students under the age of 3? **No**

b. If **Yes**, provide the enrollment count of students under the age of 3.

4. Please provide the Head Start students eligible (student count) for free and reduced lunch that are included in Block 4 of this FCC Form 471 for each facility mentioned above.

**All students listed on Block 4 are Head Start Students**

5. For each FRN, please provide a dollar cost allocation or percentage of total cost for the services being provided to Head Start students. All cost allocations must be based on tangible criteria and reach a realistic result.

Fwd:

- a. Identify the ineligible student cost (students under the age of 3) **N/A**
  - b. Identify the eligible student cost **N/A**
6. Please confirm that the balance of the services, following the above cost allocation, is being provided to instructional facilities or classrooms that do not include any Head Start students.
- All services requested are for eligible students.**

----- Original message -----

From: Jeffrey Goldberg  
Date: 02/07/2014 10:52 AM (GMT-05:00)  
To: Eliezer Vogel, Steve Kaplan  
Subject: Fwd:

Look at this email for the confirm regarding Woodhaven for e-Rate.

----- Forwarded message -----

From: **Mercado, Jose (ACS)** <[Jose.Mercado@dfa.state.ny.us](mailto:Jose.Mercado@dfa.state.ny.us)>  
Date: Fri, Feb 7, 2014 at 9:45 AM  
Subject: RE:  
To: Jeffrey Goldberg <[beabovejeff@gmail.com](mailto:beabovejeff@gmail.com)>

This email should serve as notice that the below site is a Head Start site.

**From:** Jeffrey Goldberg [<mailto:beabovejeff@gmail.com>]  
**Sent:** Monday, February 03, 2014 12:28 PM  
**To:** Mercado, Jose (ACS)  
**Subject:**

Jose,

Sorry to bother you, but e

-Rate is asking for documentation from ACS that 60-05 Woodhaven Blvd is a Head Start site in our contract. Our roster wouldn't suffice. In the past, I was told that you supplied us with a letter. If that is correct, can you please send me a two sentence letter in that regard.

Thank you.

--

**Jeffrey Goldberg**  
*Director of Program Operations*  
B'Above Worldwide Institute  
134-11 Kew Gardens Road, 2nd Floor  
Richmond Hill, NY 11418  
**Fax:** 908-462-9050  
**Phone:** 718-805-2252 ext.752  
**Cell:** 973-461-6105

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Confidentiality Notice: This e-mail communication, and any attachments, contains confidential and privileged information for the exclusive use of the recipient(s) named above. If you are not an intended recipient, or the employee or agent responsible to deliver it to an intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or

Fwd:

its contents is prohibited. If you have received this communication in error, please notify me immediately by replying to this message and delete this communication from your computer. Thank you.

--

**Jeffrey Goldberg**

*Director of Program Operations*

**B'Above Worldwide Institute**

**134-11 Kew Gardens Road, 2nd Floor**

**Richmond Hill, NY 11418**

**Fax:** 908-462-9050

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July 8, 2014

Eliezer Vogel  
134-11 Kew Garden Road 2<sup>nd</sup> Floor  
Richmond Hills, NY 11418

FCC Form 471#974616

**IMPORTANT NOTICE**

Enclosed you will find correspondence deemed 'un-deliverable' by the U.S. Post Office and returned to SLD's Client Operations Department.

It is important to note that the date of the original decision letter has been modified by SLD's Client Operations Department to accommodate the delivery delay. A new stamped 'Date' has been added to the original letter.

This advisory is especially important if you are considering filing an appeal. Appeals must be filed within 60 days of the date on the Decision Letter, in this case, the new Decision Letter date. In the event that you do submit an appeal it would be advisable to enclose a copy of your Decision Letter and this Decision Letter Re-Mail Advisory Cover Sheet with your appeal correspondence. See the "Appeals Procedure" in the Reference Area of the SLD web site <[www.sl.universalservice.org](http://www.sl.universalservice.org)> for more information on appeal deadlines and how to file your appeal.

Further, be advised that all terms and conditions imposed by the Schools and Libraries Program on applicants or service providers that are dependent on the Decision Letter date (in this situation, the new Decision Letter date) will apply.

If you are an applicant and wish to request a permanent change of contact information to the USAC database, follow the instructions on USAC web site at <http://www.usac.org/sl/applicants/before-youre-done/update-contact-info.aspx>. If you decide to update your contact information in the USAC database, the new information will pre-populate any forms filed online and will be used for any future correspondence related to the program, but will not apply to any forms filed in the past.

If you are a Service Provider and wish to request a permanent change of contact information to the USAC database, please file a new Service Provider Identification Number and Contact Information (FCC Form 498) to update your contact information in USAC records. Follow the instructions on the USAC web site at <http://www.usac.org/sp/about/498/default.aspx>.

Thank you for your cooperation and continued support of the Universal Service Program.

**Schools and Libraries Division**

**Toll-Free:** (888) 203-8100

**Fax Toll-Free:** (888) 276-8736





July 1, 2014

Eliezer Vogel  
134-11 Kew Gardens Road 2<sup>nd</sup> Floor  
Richmond Hills, NY 11418

FCC Form 471#976051

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